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5/8 *Rowland Evans and Robert Novak*

The Split Over the Pollard Case

The disturbing factor in the Reagan administration's split over the Pollard spy case is that it cannot be bridged by smooth-sounding statements.

State Department legal counsel Abraham Sofaer was said to be aghast last week at FBI Director William Webster's careful, on-the-record remark to *The New York Times* that Israel had been "selective" in its cooperation with U.S. efforts to get to the bottom of Israeli espionage. But, officials told us, Sofaer decided a phone call to Judge Webster might be misunderstood if it got out. On Monday, the smooth-sounding statement was put out by the State Department alleging administration harmony.

A call from ex-judge Sofaer would have changed nothing in the Justice Department or the FBI, illustrating the irreparable split between diplomats and prosecutors even over questioning Israeli Gen. Aviem Sella. As of today, Secretary of State George Shultz holds high cards because the administration wants no damage done to the intimacy of U.S.-Israeli relations. But Justice's success in extracting Jonathan Jay Pollard's confession has given prosecutors new muscle.

The question of whether Air Force Gen. Sella, allegedly Pollard's first case officer here, should or should not be questioned on his role in Pollard's espionage for Israel delineates the stark divergence in practice and psychology between State and Justice.

The State Department view is that Sella should be encouraged to answer questions but that Israel cannot be held accountable if he declines or tells nothing. That is because the Israeli government's claim to have been ignorant of the espionage has not been officially disproved and the diplomats at State want very much to believe it.

The law-enforcement establishment views the questioning of Sella as dubious; he would probably add nothing to the extensive file of information obtained from Pollard's plea-bargaining.

Justice Department officials have insisted ever since Pollard's June 4 guilty plea that Prime Minister Peres never has delivered on his pledge to

investigate his government's role in the case. If he had, Sella's alleged role as Pollard's first case officer would have been uncovered by Israel and not, as it was, by Justice Department investigators.

The State Department claimed that Attorney General Edwin Meese personally collaborated on the department's statement last Monday, drafted with the help of White House aides, but Justice officials denied that. He did agree with its finding that "successful prosecution" of Pollard was made possible by Israel's cooperation. But he also has agreed privately that Judge Webster correctly defined Israel's cooperation as "selective."

The suspicion of Israel's overall conduct by counter-intelligence officials, as contrasted to the diplomats' desire not to find evidence of Israeli government complicity, was fed by one vagrant document. Found in the telltale suitcase that Pollard's wife was unable to get rid of, this document was described in the indictment as a letter to Pollard's alleged second handler, Yossi Yagur. It dealt with "missile systems designed or manufactured by various non-communist countries, which might be available for sale to Iran."

U.S. investigators recently uncovered an alleged multimillion-dollar "private" sale of U.S. arms to Iran and arrested as one of the dealers an Israeli identified by the U.S. Customs Service as a retired army general. The Israeli government, as it has done in the Pollard spy case, insisted it had no knowledge of or connection with the sale.

The reason Pollard's letter particularly caught the eye of investigators is that the United States has obtained pledges from Israel not to sell arms to Iran. Despite this administration appeal suspicions have lingered that Israel was trafficking—or aware of trafficking—in arms to Tehran. The Pollard letter to Yagur appeared to U.S. investigators as evidence backing these suspicions. Yet, diplomats at the State Department have publicly and repeatedly exonerated the Israeli government from all charges of con-

spiring to sell any arms to the Ayatollah Khomeini.

Hence the unbridgeable split through the middle of the Reagan administration. Pollard himself will have a lot to say about narrowing—or widening—the split. It depends more on what he may still have to say than it does on competing Reagan administration officials.

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